

**Providing Council with Written Responses to Questions asked at Council
4 March 2021**

1	<p>Councillor B J Rowlands</p> <p>In relation to Minute 89 - Councillors Questions - Question 3</p> <p>The number of Fixed Penalty Notices relating to fly tipping seems very low. Please explain how fly tipping Fixed Penalty Notices are issued and Applied.</p> <p>Response of the Cabinet Member for Environment Enhancement & Infrastructure Management</p> <p>Fly tipping is a criminal offence and is punishable in a court of law. On conviction sentencing can include an unlimited fine and/or a prison sentence.</p> <p>Fly tipping should be reported through the contact centre. The report is sent to fly tipping team supervisor. This work is allocated to fly tipping team. Fly tipping is examined for evidence on site and removed. Evidence is passed to the enforcement team. Enforcement team investigate and where criminal activity can be proved appropriate and necessary action is taken.</p> <p>Previously, the only options for punishing fly-tippers are to either take a case to court or issue a caution. The introduction of Fixed Penalty Notices (FPNs) provides a useful and proportionate alternative to prosecution in small-scale fly tipping incidents. These notices provide a quick, visible and effective way of dealing with certain fly tipping cases, and act as an alternative to prosecution where appropriate. This approach avoids taking “smaller” scale offences to the courts and reduces demands on officers preparing prosecution files. However, each FPN file has to be of such detail initially that should the defendant fail to pay the FPN the case would be prepared for consideration, for prosecution of the original offence.</p> <p>The use of Fixed Penalty Notices (FPN) provides an appropriate tool for local authorities to use when dealing with certain single/unlinked fly tipping offences. Many cases of fly tipping, whilst having a detrimental effect on local communities are relatively small offences or possibly one off incidents. Many of these cases involve relatively small amounts of waste, and if taken through formal court processes would likely result in relatively small punishments. The costs of investigation and pursuing the case through the judicial system is likely to significantly exceed the level of fine. FPN would provide an alternative mechanism to pursuing action through the court system and offers a more proportionate response and where appropriate and necessary is a welcome alternative.</p> <p>The level set for FPNs is set at £400 with £250 early repayment option.”</p>
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